

I certify that the attached is a true and
correct copy of H.B. 2187, which
was filed of record on APR 6 1979
and referred to the committee on:

Judicial Affairs
Betty Murray
Chief Clerk of the House

FILED APR 6 1979

By Rainz

H.B. No. 2187

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of the County Court at Law of Hays
County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, Chapter 298, Acts of the 63rd
Legislature, Regular Session, 1973 (Article 1970-358, Vernon's
Texas Civil Statutes), is amended by amending Subsection (a) and
adding Subsection (e) to read as follows:

(a) The county court at law has the same jurisdiction over
all causes and proceedings, civil, criminal, original, and
appellate, prescribed by the law for county courts, and its
jurisdiction is concurrent with that of the County Court of Hays
County. The county court at law has jurisdiction concurrent with
the district court in eminent domain cases and in civil cases when
the amount in controversy exceeds \$500 and does not exceed \$20,000,
exclusive of interest. The county court at law, the County Court
of Hays County, and the district court in Hays County have
jurisdiction over juvenile matters, and any of those courts may be
designated a juvenile court. The [However,--the] county court at
law does not have jurisdiction over [eminent-domain-proceedings--or
ever] causes and proceedings concerning roads, bridges, and public
highways which are [now] within the jurisdiction of the
commissioners court or County Court of Hays County.

(e) In addition to the jurisdiction conferred on the County

1 Court at Law of Hays County by the other provisions of this Act,
2 the county court at law has concurrent jurisdiction with the
3 district court in Hays County in suits and causes involving family
4 law matters, including adoptions; birth records; removal of
5 disability of minority or coverture; change of name of persons;
6 divorce and marriage annulment cases, including the adjustment of
7 property rights, custody and support of minor children involved,
8 temporary support pending final hearing, and every other matter
9 incident to divorce or annulment proceedings; and independent
10 actions involving child welfare, custody, support and reciprocal
11 support, dependency, neglect, and delinquency; and independent
12 actions involving controversies between parent and child and
13 between husband and wife. The provisions in this subsection do not
14 diminish the jurisdiction of the district court in Hays County, and
15 the district court shall retain and continue to exercise the
16 jurisdiction that is conferred by law on district courts.

17 SECTION 2. Section 4(a), Chapter 298, Acts of the 63rd
18 Legislature, Regular Session, 1973 (Article 1970-358, Vernon's
19 Texas Civil Statutes), is amended to read as follows:

20 (a) There [~~At the next general election after the effective~~
21 ~~date of this Act, there~~] shall be elected a judge of the County
22 Court at Law of Hays County who must have been a duly licensed and
23 practicing member of the State Bar of Texas for not less than four
24 [~~three~~] years, who must be well informed in the laws of this state,
25 and who must have resided and been actively engaged in the practice
26 of law in Hays County[~~, Texas,~~] for a period of not less than one
27 year prior to the general election. Beginning at the general

1 election in 1974 and every four years thereafter, the qualified
2 voters of the county shall elect a judge who [~~The--judge--elected~~]
3 holds office for four years and until his successor has been duly
4 elected and has qualified.

5 SECTION 3. Section 5(a), Chapter 298, Acts of the 63rd
6 Legislature, Regular Session, 1973 (Article 1970-358, Vernon's
7 Texas Civil Statutes), is amended to read as follows:

8 (a) The criminal district attorney [~~county-attorney~~], county
9 clerk, and sheriff of Hays County shall serve as criminal district
10 attorney [~~county--attorney~~], clerk, and sheriff, respectively, of
11 the County Court at Law of Hays County, except that the district
12 clerk shall serve as clerk of the county court at law in cases
13 enumerated in Section 2(e) of this Act and shall establish a
14 separate docket for the county court at law. The Commissioners
15 Court of Hays County may employ as many assistant district
16 attorneys [~~county-attorneys~~], deputy sheriffs, and bailiffs as are
17 necessary to serve the court created by this Act. Those serving
18 shall perform the duties, and are entitled to the compensation,
19 fees, and allowances prescribed by law for their respective offices
20 in Hays County.

21 SECTION 4. Section 6, Chapter 298, Acts of the 63rd
22 Legislature, Regular Session, 1973 (Article 1970-358, Vernon's
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24 (b) and adding Subsection (d) to read as follows:

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26 conform to that prescribed by law for the County Court of Hays
27 County, [~~Texas-~~] except that practice and procedure, rules of

1 evidence, issuance of process and writs, and all other matters
2 pertaining to the conduct of trials and hearings in the county
3 court at law involving those matters of concurrent jurisdiction
4 enumerated in Section 2(e) of this Act shall be governed by the
5 provisions of this Act and the laws and rules pertaining to
6 district courts, general or special, as well as county courts. If
7 a case enumerated in Section 2(e) of this Act is tried before a
8 jury, the jury shall be composed of 12 members.

9 (b) The judges of the county court and the county court at
10 law may transfer cases to and from the dockets of their respective
11 courts in order that the business may be equally distributed
12 between them. All cases within the concurrent jurisdiction of the
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16 to the other without the consent of the judge of the court to which
17 it is transferred; and no case may be transferred [~~to--the--County~~
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4 court to which the transfer is made.

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6 crowded condition of the calendars in both houses create an
7 emergency and an imperative public necessity that the
8 constitutional rule requiring bills to be read on three several
9 days in each house be suspended, and this rule is hereby suspended,
10 and that this Act take effect and be in force from and after its
11 passage, and it is so enacted.

THE STATE OF TEXAS }
County of Hays: }

Before me, the undersigned, holding the office of Notary Public in and

for Hays County, Texas, personally appeared Harvey Shephard,
who states under oath that he is the publisher of the San Marcos Record, a weekly newspaper
which has been regularly and continuously published in San Marcos, Hays County, Texas, for a
period of more than one year immediately preceding the date of publication of this notice and
that the Notice by Publication hereto attached was published in the regular edition of said news-

One (1) Time

paper for a period of _____ on the following dates

March 4 197 9,

_____ 197 _____,

_____ 197 _____,

_____ 197 _____, a printed clipping of said notice being hereto attached.

The said publisher further states that the rate charged for this publication is the lowest rate
charged commercial advertisers for the same class of advertising for a like amount of space.

(Signed) _____

Publisher

Subscribed and sworn to before me this _____

day of _____

19 79

Louis Le Guellec
Notary Public
Hays Co. Texas

Legal Notices

1

Leg

Legal con't.
fishing regulations.
DON RAINS
STATE REPRESENTATIVE
45th DISTRICT
Pursuant to Article 3, Section
57 of the Constitution of the
State of Texas, notice is hereby
given that Don Rains shall
apply to the 1979 Regular
Session of the 66th Legislature
of the State of Texas for the
passage of a local law relating
to jurisdiction of the County
Courth of Law of Hays County.
DON RAINS
STATE REPRESENTATIVE
45th DISTRICT

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Special Notices

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HOUSE COMMITTEE REPORT

1st. Printing

By Rains

H.B. No. 2187

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9 days in each house be suspended, and this rule is hereby suspended,
10 and that this Act take effect and be in force from and after its
11 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Bill Clayton
Speaker of the House of Representatives

May 1, 1979
(date)

Sir:

We, your COMMITTEE ON JUDICIAL AFFAIRS, to whom was referred HB 2187, have had the same under consideration and beg to report back with the recommendation that it (measure)

- (✓) do pass, without amendment.
- () do pass, with amendment(s).
- () do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested on _____ and is attached as part of this report.
(date)

Author's fiscal statement attached.
Author's fiscal statement attached

The Committee recommends that this measure be placed on the (Local Consent) Calendar.



This measure (✓) proposes new law. ✕
(✓) amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Bird, Ch.	✓			
Hill, Anita, V.C.	✓			
Heatly, V.C.A.				✓
Allred	✓			
Barrientos				✓
Donaldson				✓
Gaston	✓			
Hudson				✓
Polk	✓			
Reyes				✓
Whitmire	✓			

Total:
6 aye
0 nay
0 present, not voting
5 absent


CHAIRMAN

COMMITTEE COORDINATOR

BACKGROUND INFORMATION

The county court at law for Hays County was created in 1973. It has a large docket of cases consistent with the growth of Hays County and this local change to grant it increased jurisdiction is felt to be desirable.

PURPOSE OF THE BILL

To grant the County Court at Law for Hays County increased jurisdiction and to change the qualifications of office for the judge who holds such position.

SECTION-BY-SECTION ANALYSIS

Section 1: Amends Article 1970, V.A.T.S., to grant jurisdiction concurrent with that of the district court of Hays County in eminent domain cases and civil cases between the sums of \$500 and \$20,000. Also this court will have jurisdiction on all family law matters concurrent with the district court of Hays County.

Section 2: Amends Article 1970, V.A.T.S., to stiffen the requirements of office of this judicial position. The new provision requires that the judge be a practicing lawyer for not less than four years.

Section 3: Amends Article 1970, V.A.T.S., to change the criminal representation of the state in Hays County from the county attorney to the office of criminal district attorney.

Section 4: Amends Article 1970, V.A.T.S., to stipulate that in matters of concurrent jurisdiction the Texas Rules of Civil Procedure will be employed. This section also allows for transferability of cases and for binding writs between the courts

Section 5: Emergency clause.

SUMMARY OF COMMITTEE ACTION

Public notice was posted in accordance with Rule V, Section 14, Rules of Procedure of the House of Representatives and a public hearing was held on May 1, 1979.

On that date, the full committee voted to report HB 2187 to the House without amendments and with the recommendation that it do pass by a record vote of 6 ayes and 0 nays.

There were no witnesses testifying on this bill.



DON RAINS
DISTRICT 45
BANDERA, BLANCO, BEXAR (N.W. part)
FRIO, HAYS, KENDALL AND MEDINA
COUNTIES

P.O. BOX 1348
SAN MARCOS, TEXAS 78666

State of Texas
House of Representatives
Austin

APPROPRIATIONS COMMITTEE
VICE-CHAIRMAN
ELECTIONS COMMITTEE

AUSTIN ADDRESS:
P.O. BOX 2910
AUSTIN, TEXAS 78768

May 1, 1979

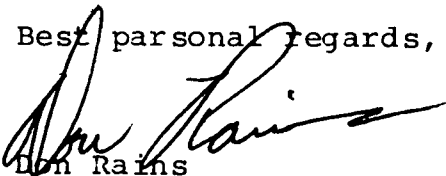
The Honorable Ron Bird
Chairman
Committee on Judicial Affairs
House of Representatives

Re: H.B. 2187

Dear Chairman Bird:

Pursuant to House Rule 5, Section 28(c), I find that the fiscal implications of expanding the Hays County Court at Law are speculative, but the costs are estimated to be minimal.

Best personal regards,


Don Rains

DR:pm

By Rains

H.B. No. 2187

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11 passage, and it is so enacted.

COMMITTEE REPORT FORM

Austin, Texas

5/18/79

Date of report to Senate

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on Intergovernmental Relations to which was referred
H. B. No. 2187 have had the same under consideration, and I am instructed to report it back to the Senate
with the recommendation that it do pass and be printed.


Chairman

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Gene Jones, Chairman
Administration Committee

Sir:

Pursuant to S. R. 16, notice is hereby given that HB 2187, by: Rains (Doggott),
was heard by the Committee on Intergovernmental Relations on 5/17, 1979,
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.


Chairman of the reporting committee

IMPORTANT: THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL
OR RESOLUTION, WHICH ALONG WITH 7 ADDITIONAL COPIES OF THE BILL OR
RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE, ON
ADMINISTRATION, ROOM G-27J. PLEASE CALL 5-1134 IF YOU HAVE ANY
QUESTIONS. **DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS**
6:00 P.M. MONDAYS.

ATTACH THIS COPY TO BILL

[Handwritten mark resembling a large 'F' or 'K']

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19 Texas Civil Statutes), is amended to read as follows:

20 (a) There [~~At the next general election after the effective~~
21 ~~date of this Act, there~~] shall be elected a judge of the County
22 Court at Law of Hays County who must have been a duly licensed and
23 practicing member of the State Bar of Texas for not less than four
24 [~~three~~] years, who must be well informed in the laws of this state,
25 and who must have resided and been actively engaged in the practice
26 of law in Hays County[~~, Texas,~~] for a period of not less than one
27 year prior to the general election. Beginning at the general

1 election in 1974 and every four years thereafter, the qualified
2 voters of the county shall elect a judge who ~~[The judge elected]~~
3 holds office for four years and until his successor has been duly
4 elected and has qualified.

5 SECTION 3. Section 5(a), Chapter 298, Acts of the 63rd
6 Legislature, Regular Session, 1973 (Article 1970-358, Vernon's
7 Texas Civil Statutes), is amended to read as follows:

8 (a) The criminal district attorney ~~[county attorney]~~, county
9 clerk, and sheriff of Hays County shall serve as criminal district
10 attorney ~~[county attorney]~~, clerk, and sheriff, respectively, of
11 the County Court at Law of Hays County, except that the district
12 clerk shall serve as clerk of the county court at law in cases
13 enumerated in Section 2(e) of this Act and shall establish a
14 separate docket for the county court at law. The Commissioners
15 Court of Hays County may employ as many assistant district
16 attorneys ~~[county attorneys]~~, deputy sheriffs, and bailiffs as are
17 necessary to serve the court created by this Act. Those serving
18 shall perform the duties, and are entitled to the compensation,
19 fees, and allowances prescribed by law for their respective offices
20 in Hays County.

21 SECTION 4. Section 6, Chapter 298, Acts of the 63rd
22 Legislature, Regular Session, 1973 (Article 1970-358, Vernon's
23 Texas Civil Statutes), is amended by amending Subsections (a) and
24 (b) and adding Subsection (d) to read as follows:

25 (a) Practice in the County Court at Law of Hays County shall
26 conform to that prescribed by law for the County Court of Hays
27 County, ~~[Texas]~~ except that practice and procedure, rules of

1 evidence, issuance of process and writs, and all other matters
2 pertaining to the conduct of trials and hearings in the county
3 court at law involving those matters of concurrent jurisdiction
4 enumerated in Section 2(e) of this Act shall be governed by the
5 provisions of this Act and the laws and rules pertaining to
6 district courts, general or special, as well as county courts. If
7 a case enumerated in Section 2(e) of this Act is tried before a
8 jury, the jury shall be composed of 12 members.

9 (b) The judges of the county court and the county court at
10 law may transfer cases to and from the dockets of their respective
11 courts in order that the business may be equally distributed
12 between them. All cases within the concurrent jurisdiction of the
13 county court at law and the district court may be instituted in or
14 transferred between the county court at law and the district court
15 in Hays County. However, no case may be transferred from one court
16 to the other without the consent of the judge of the court to which
17 it is transferred; and no case may be transferred [~~to the County~~
18 ~~Court at Law of Hays County~~] unless it is within the jurisdiction
19 of the [that] court to which it is transferred.

20 (d) In cases transferred to any of the courts by order of
21 the judge of another court, all processes, writs, bonds,
22 recognizances, or other obligations issued or made in the cases
23 shall be returned to and filed in the court to which the transfer
24 is made. All bonds executed and recognizances entered into in
25 those cases shall bind the parties for their appearance or to
26 fulfill the obligations of such bonds or recognizances at the terms
27 of the court to which the cases are transferred as are fixed by

1 law. All processes issued or returned before transfer of the cases
2 as well as all bonds and recognizances before taken in the cases
3 shall be valid and binding as though originally issued out of the
4 court to which the transfer is made.

5 SECTION 5. The importance of this legislation and the
6 crowded condition of the calendars in both houses create an
7 emergency and an imperative public necessity that the
8 constitutional rule requiring bills to be read on three several
9 days in each house be suspended, and this rule is hereby suspended,
10 and that this Act take effect and be in force from and after its
11 passage, and it is so enacted.

H.B. No. 2187

President of the Senate

Speaker of the House

I certify that H.B. No. 2187 was passed by the House on May 12, 1979, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2187 was passed by the Senate on May 24, 1979, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

H. B. No. 2187

By Rains

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of the County Court at Law of
Hays County.

APR 6 1979

1. Filed with the Chief Clerk.

APR 9 1979

2. Read first time and referred to Committee on Judicial Affairs

MAY 3 1979

MAY 1 1979

3. Reported favorably (as amended) and sent to Printer at 11:37 A. M.
~~unfavorably~~ (as substituted) (time)

MAY 3 1979

4. Printed and distributed at 3:15 P. M.
(time)

MAY 3 1979

5. Sent to Committee on Calendars at 3:21 P. M.
(time)

MAY 12 1979

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of _____ yeas, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H. B. _____ was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas,
_____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____
present, not voting.

MAY 12 1979

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote
of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed
prevailed (failed) by a (Non-Record) (Record Vote of _____ yeas, _____
nays, and _____ present, not voting).

MAY 12 1979

12. Ordered Engrossed at 10:28 A. M.
(time)

MAY 12 1979

13. Engrossed.

MAY 12 1979

14. Returned to Chief Clerk at 1:10 P. M.
(time)

MAY 14 1979

15. Sent to Senate.

Bertie Murrays
Chief Clerk of the House

MAY 14 1979

16. Received from the House _____

MAY 14 1979

17. Read, referred to Committee on INTERGOVERNMENTAL RELATIONS

MAY 22 1979

18. Reported favorably _____

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

MAY 22 1979

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(_____ yeas, _____ nays.)

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 24 1979

23. Read second time. *Live before Senate*
passed to _____ yeas, _____ nays.)

24. Caption ordered amended to conform to body of bill.

MAY 24 1979

25. Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third reading and final passage.

✓ MAY 24 1979

26. Read third time and passed by

(a viva voce vote.)

(31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

John L. ...
Secretary of the Senate

May 24, 1979

27. Returned to the House.

MAY 24 1979

28. Received from the Senate (~~with amendments~~).

29. House (Concurred) (Refused to Concur) in Senate Amendments by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 24 1979

32. Ordered Enrolled at 5:05 P.M.
(time)

1979 MAY -3 PM 3:15

HOUSE OF REPRESENTATIVES

16P